ARMY—*contd.*

2. Commissions and Officers.

Signature, etc., of commissions prepared under authority of sign manual . . . . . 25-6V.c.4.

Proof of rank, status, appointments, corps, by Army Lists or Gazette . . . . . 44-5V.c.58,s.163(*1*)(*d*).

Penalties for buying or selling, or negotiating purchase, etc., of commission, promotion, retirement, or exchange . . . 49G.3,c.126.
44-5V.c.58,s.155.

Exchanges authorised by regulations exempt from penalty . . „ s.155(*3*).

Compensation on retirement to officers who, on Nov. 1, 1871, served in Indian ordnance corps . . . . . 37-8V.c.61.

Army Purchase Commissioners.; appointment, powers, duties, and officers of . . . . . 37-8V.c.61.

Pay, half-pay, and pension. *See below*, 6.

Privileges, exemptions, disqualifications. *See below*, 7 (*a*).

3. Enlistment and service.

Term and conditions of enlistment; change of conditions . . 44-5V.c.58,ss.76to78.
9Edw.7,c.3,s.4,Sch.2.

Reckoning and forfeiture of service . . . . . 44-5V.c.58,ss.73, 79,84,161.
54-5V.c.5,s.4.
62-3V.c.3,s.5.
9Edw.7,c.3,s.4,Sch.2.

Mode of enlistment; oath of allegiance; date of attestation . 44-5V.c.58,s.80.
9Edw.7,c.3,s.4,Sch.2.
55-6V,c.2,s.5.

Provision as to duplicate attestation papers . . . . 46-7V.c.6,s.5.

Power of recruit to purchase discharge . . . . . 44-5V.c.58,s.81.

Appointment to corps, and transfers . . . . . 44-5V.c.58,ss.82,83, 182(*2*).
58-9V.c.7,s.8.
62-3V.c.3,s.6(*1*).
7Edw.7,c.2,s.9,Sch.3.
9Edw.7,c.3,s.4,Sch.2.

Definition of corps . . . . . 44-5V.c.58,s.190(*15*).
58-9V.c.7,s.8,62-3V.c. 3,s.6(*2*).

Re-engagement and continuance in service . . . . . 44-5V.c.58,ss.84to86.
49-50V.c.8,s.6.
9Edw.7,c.3,s.4,Sch.2.

Prolongation of service or army service in certain cases . . 44-5V.c.58,s.87.
45-6V.c.7,s.4(*2*).
9Edw.7,c.3,s.4,Sch.2.

Continuance in army service in case of danger or emergency . 44-5V.c.58,s.88.
48-9V.c.8,s.5.
9Edw.7,c.3,s.4,Sch.2.

Transfer to reserve . . . . . 44-5V.c.58,ss.87(*2*),89, 90.
45-6V.c.7,s.5.
54-5V.c.5,s.5.
62-3V.c.40,s.1.
9Edw.7,c.3,s.4,Sch.2.

Discharge; certificate of discharge . . . . . 44-5V.c.58,ss.90,92,158.
45-6V.c.7,s.5.
51-2V.c.4,s.5.
8Edw.7,c.2,s.4.
9Edw.7,c.3,s.4,Sch.2.

ARMY—*contd.*

3. Enlistment and service—*contd.*

Subjection to military law until discharge or transfer . . 44-5V.c.58,ss.90(*1*),(*3*), 92,(*1*),158(*2*). 7Edw.7,c.2,s.9, Sch.3. 9Edw.7,c.3,s.4,Sch.2.

Sending of lunatic on discharge with wife or child to work-house or asylum . . . . . 44-5V.c.58,s.91. 52-3V.c.3,s.5. 54-5V.c.5,s.6. 57-8V.c.3,s.5. 62-3V.c.3,s.4. 9Edw.7,c.3,s.4,Sch.2.

Disposal of effects on discharge on ground of insanity. *See below*, **6** (*e*) (*2*).

Regulations of Secretary of State as to enlistment . . . 44-5V.c.58,s.93. 9Edw.7,c.3,s.4,Sch.2.

What officers, magistrates, and others to have powers of justices as to enlistment . . . . . 44-5V.c.58,s.94. 46-7V.c.6,s.6. 9Edw.7,c.3,s.4,Sch.2.

Enlistment of aliens and negroes . . . . . 44-5V.c.58,s.95. 4Edw.7,c.5,s.6(*1*).

Claims to apprentices and indentured labourers . . . 44-5V.c.58,ss.96,97, 144 (*2*),Sch.I.

Penalty on unlawful recruiting . . . . . „ s.98.

False answers on attestation . . . . . „ ss.33,99,163(*1*) (*a*).

Offences as to enlistment [*see below*, **4** (*b*)] . . . . „ ss.32to34.

Proof of enlistment . . . . . „ s.163(*1*)(*a*).

Validity of attestation or re-engagement after receipt of pay for three months . . . . . 44-5V.c.58,s.100(*1*). 9Edw.7,c.3,s.4,Sch.2.

Person in pay deemed soldier; right to claim discharge . . 44-5V.c.58,s.100(*2*). 9Edw.7,c.3,s.4,Sch.2.

Examination of claim to discharge for want of or irregularity in attestation or re-engagement . . . . . 44-5V.c.58,s.100(*3*). 9Edw.7,c.3, s.4,Sch.2.

Definition of competent military authority . . . . 44-5V.c.58,ss.101(*1*)73. 62-3V.c.3.

"Reserve" means first class of army reserve . . . . 44-5V.c.58,s.101(*2*). 9Edw.7,c.3,s.4,Sch.2.

Provisions as to enlistment not applicable to Indian forces . 44-5V.c.58,s.180(*2*)(*h*).

„ „ how far applicable to auxiliary forces . . „ s.181(*1*), 6Edw.7,c.2,s.5(*2*).

Pension on discharge. *See below*, **6**.

In India. *See* INDIAN MILITARY AND NAVAL FORCES, III, **2**.

4. Discipline and Regulation.

(*a*) DEFINITION AND APPLICATION OF MILITARY LAW.

Army Act . . . . . 44-5V.c.58.

„ „ how brought into and continued in force . . . 44-5V.c.58,s.2. 59V.c.2,s.2.

„ „ division of, into parts . . . . . 44-5V.c.58,s.3.

„ „ printing amendments in copies of . . . . 45-6V.c.7,s.6. 46-7V.c.6,s.11. 47-8V.c.8,s.8. 48-9V.c.8,s.8.

ARMY—*contd.*

4. Discipline and Regulation—*contd.*

(*a*) DEFINITION AND APPLICATION OF MILITARY LAW—*contd.*

Persons subject to military law—

as officers . . . . . 44-5V.c.58,ss.175,190(*4*). 46-7V.c.6,s.9. 4Edw.7,c.5,s.10. 8Edw.7,c.2,s.5. 9Edw.7,c.3,s.4,Sch.2, s.8(*1*).

,, provisions as to persons accompanying forces on active service . . . . . 44-5V.c.58,s.175(*7,8*). 45-6V.c.7,s.4(*6*). 9Edw.7,c.3,s.4,Sch.2.

as soldiers . . . . . 44-5V.c.58,ss.176,190(*5,6*). 6Edw.7,c.2,s.10. 9Edw.7,c.3,s.8(*2*).

,, provisions as to persons employed by or accompanying troops on active service . . . 44-5V.c.58,s.176(*9,10*).

application of Army Act to, whether within or without Her Majesty's dominions . . 59V.c.2,s.2(*2*).

,, ,, ,, though number of men in service greater or less than specified in annual Act . . . . ,, s.2(*3*).

Volunteers, militia, etc., raised in India or colony, and serving with regulars . . . . . 44-5V.c.58,s.177. 9Edw.7,c.3,ss.8(*3*),9.

Auxiliary forces and pensioners . . . . . 44-5V.c.58,ss.178,190(*12*). 9Edw.7,c.3,s.10(*1*).

Modifications of Army Act in application to—

marines . . . . . 44-5V.c.58,ss.179,190(*8,15*). 4Edw.7,c.5,s.11. 9Edw.7,c.3,s.4,Sch.2.

Indian forces (*see also* INDIAN MILITARY AND NAVAL FORCES) . 44-5V.c.58,ss.180,190.

auxiliary forces . . . . . ,, ss.178,181,190. 6Edw.7,c.2,s.5(*2*).

persons subject to military law while on board ship . . 44-5V.c.58,s.188.

persons not belonging to Her Majesty's forces . . . ,, s.184.

Special provisions as to warrant officers not holding honorary commissions . . . . . ,, ss.180(*2*)(*g*),182. 46-7V.c.6,s.10.

,, ,, ,, non-commissioned officers and army schoolmasters . . . . . 44-5V.c.58,ss.44(*6*),183. 54-5V.c.5,s.10. 7Edw.7,c.2,s.9,Sch.3. 9Edw.7,c.3,s.4,Sch.2.

Interpretation of term "active service" . . . . . 44-5V.c.58,s.189(*1*).

Making forces in British Possession or out of Her Majesty's dominions subject to Army Act as if on active service, in certain cases . . . . . ,, s.189(*2*to*5*).

Interpretation of terms "officer," "soldier," "regular forces," "corps," "battalion," etc. . . . . ,, s.190. 53-4V.c.4,s.9. 58-9V.c.7,ss.8,9. 9Edw.7,c.3,ss.10(*2*),11.

Indian law. *See* INDIAN MILITARY AND NAVAL FORCES, III, 3(*a*).

ARMY—*contd.*

4. Discipline and Regulation—*contd.*

(*b*) OFFENCES PUNISHABLE BY MILITARY LAW.

Offences in relation to the enemy punishable with death . . 44-5V.c.58,s.4.
„ „ „ not punishable with death . „ s.5.
Enemy includes armed mutineers, rebels and rioters, and pirates „ s.190(*20*).
Offences punishable more severely on active service than at other times . . . . . „ ss.6(*1*),189.
Misbehaviour of sentinel . . . . . „ s.6(*1*)(*k*).
Occasioning false alarms . . . . . „ s.6(*1*)(*h*), (*2*).
Disclosing watchword, etc. . . . . „ s.6(*1*)(*i*),(*2*).
Mutiny, seducing from allegiance, etc., in regulars, reserves, auxiliary forces, or navy [*see also below*, 7 (*b*)] . . . . „ ss.7,158,161, 190. 9Edw.7,c.3,s.4,Sch.2.
Violence, disobedience, etc., to superior officer . . . . 44-5V.c.58,ss.8,9,190. (*7*).
Insubordination . . . . . „ s.10.
Neglect to obey general or garrison or other orders . . . „ s.11.
Desertion, attempt to desert, or persuading to desert [*see also below*, 7 (*b*)] . . . . . „ ss.12,79,83(*7*), 158, 161. 9Edw.7,c.3,s.4,Sch.2.
Assisting or conniving at desertion [*see also below*, 7 (*b*); *and* NAVY, 3 (*b*)] . . . . . 44-5V.c.58,s.14.
Punishment for pretending to be a deserter. *See below*, 7 (*b*).
Fraudulent enlistment . . . . . 44-5V.58,ss.13,79,83(*7*), 138,158,161,190. 6Edw.7,c.2,s.5(*1*). 9Edw.7,c.3,s.4,Sch.2, s.10(*3*).
Absence without leave . . . . . 44-5V.c.58,ss.15,46.
Disposal of effects on desertion or absence without leave. *See below*, 6 (*e*) (*2*).
Scandalous conduct of officer . . . . . „ s. 16.
Embezzlement, etc., of public or regimental money or goods . „ s. 17.
Malingering, maiming, stealing from comrade, etc., and other disgraceful conduct of soldier . . . . . „ s. 18.
Drunkenness . . . . . „ ss.19,44(*5*to*10*), 46, 183 (*1*).
„ amendment of s. 46 of Act of 1881 . . . 46-7V.c.6,s.4.
Offences as to prisoners . . . . . 44-5V.c.58,ss.20,21. 7Edw.7,c.2,s.9,Sch.3.
Escape or attempted escape of prisoner . . . . . 44-5V.c.58,s.22.
Corrupt dealings in respect of supplies . . . . . „ s.23.
Soldier making away with or losing equipment or horse, wilfully injuring equipment, etc., or property, or ill-treating horse, etc. „ ss.24,190(*17*. *18*,*40*), 56-7V.c.4,s.4.
Offences as to reports or other documents . . . . 44-5V.c.58,ss.25,26. 56-7V.c.4,s.5.
Making false official declaration . . . . . 44-5V.c.58,s.25(*3*).
False accusations or statements . . . . . „ s.27.
False statement of desertion or fraudulent enlistment, desertion from navy, etc. [*see also* NAVY, 5 (*b*)] . . . . . „ s.27(*3*).

ARMY—*contd.*

4. Discipline and Regulation—*contd.*

Offences in relation to courts-martial . . . . . 44-5V.c.58,s. 28. 7Edw.7,c.2,s.9,Sch. 3.

Summary imprisonment for contempt of court-martial . . 44-5V.c.58,s.28. 7Edw.7,c.2,s.9,Sch.3.

False evidence before military tribunal . . . . . 44-5V.c.58,s.29.

Enlistment by soldier or sailor discharged or dismissed with disgrace from regulars, reserves, auxiliaries or navy . . . ,, s.32. 47-8V.c.8,s.4. 56-7V.c.4,s.6.

False answer on enlistment (*see also above*, 3) . . . . 44-5V.c.58,s.33.

Being concerned in enlistment with knowledge that man enlisting commits an offence . . . . . ,, s.34(*1*).

Contravention of enactments or regulations by recruiter . . ,, s.34(*2*).

Traitorous or disloyal words as to Sovereign . . . . ,, s.35.

Injurious disclosures . . . . . ,, s.36.

Ill-treatment of soldier . . . . . ,, s.37(*1*).

Detention of pay of officer or soldier . . . . . ,, s.37(*2*).

Duelling, attempt to commit suicide . . . . . ,, s.38.

Refusal to deliver to civil power officers, etc., accused of offences punishable by Civil Court [*see also below*, 7 (*b*)] . . . ,, s.39.

Conduct to prejudice of order and discipline . . . . ,, s.40.

Offences punishable by ordinary law . . . . . ,, ss.41,49(*3*). 49-50V.c.8,s.4. 50-1V.c.2,s.4.

Trafficking in commissions. *See above*, 2.

Indian law. *See* INDIAN MILITARY AND NAVAL FORCES, III, 3 (*b*).

(*c*) OFFENCES PUNISHABLE CIVILLY, AND OFFENCES BY PERSONS NOT SUBJECT TO MILITARY LAW.

See above, 2, 3; *and below*, 6 (*b*), 7 (*b*).

Indian law. *See* CRIMINAL LAW (INDIAN), 4, 5; INDIAN MILITARY AND NAVAL FORCES, III, 3 (*d*).

(*d*) TRIAL AND PUNISHMENT OF OFFENCES.

(1) *Arrest and Investigation.*

Placing offenders in custody, report, investigation of charges . 44-5V.c.58,s.45.

Power to make rules as to investigation . . . . ,, s.70(*1*)(*i*).

Apprehension of deserters. *See below*, 7 (*b*).

(2) *Powers of Commanding Officer.*

Power of commanding officer to dismiss charge . . . ,, s.46(*1*).

Summary punishment of soldiers by commanding officer. ,, ss.46,138(*4*). 182(*1*),183(*1*). 45-6V.c.7,s.4. 56-7V.c.4,s.7. 4Edw.7,c.5,s.4. 6Edw.7,c.2,s.1(*2*). 7Edw.7,c.2,s.10(*2*). 10Edw.7,c.6.

Right to require evidence to be taken on oath, and to demand court-martial, except in case of minor punishments . . 44-5V.c.58,s.46(*6*). 56-7V.c.4,s.7(*3*). 7Edw.7,c.2,s.5.

ARMY—*contd.*

4. Discipline and Regulation—*contd.*

(*d*) TRIAL AND PUNISHMENT OF OFFENCES—*contd.*

(*3*) *Courts-martial.*

Warrants and authorities for convening and confirming general and district courts-martial	44-5V.c.58,ss.122,123, 172. 9Edw.7,c.3,s.4,Sch.2, s. 6.
Convening, constitution, and powers of regimental, general, district, and field general courts-martial	44-5V.c.58,ss.47to50, 182,184 (*1*). 56-7V.c.4,ss.8,9(*1*)to (*4*). 6Edw.7,c.2,s.4(*3*),(*4*).
Challenge by accused	44-5V.c.58,s.51. 6Edw.7,c.2, 4(*4*).
Power to make rules as to Courts	44-5V.c.58,ss.55,70 (*1*)(*b*). 7Edw.7,c.2,s.9,Sch.3.
Oaths or declarations of members, judge advocate, officers in attendance, shorthand-writers, witnesses	44-5V.c.58,ss.52,190 (*28*). 6Edw.7,c.2,s.4(*4*). 7Edw.7,c.2,s.9,Sch.3,
Courts governed by United Kingdom law only	44-5V.c.58,s.127.
Summoning, privilege, etc., of witnesses	,, ss.52,125,190 (*28*).
Rules of evidence the same as in English Civil Courts	,, s.128.
False evidence by military witness	,, s.29.
False evidence by civilian	,, ss.126(*2*), 180(*2*).
Misconduct as witnesses or contempt, by person subject to military law	,, s.28. 7Edw.7,c.2,s.9,Sch.3.
,, ,, ,, by civilian	44-5V.c.58,s.126.
,, ,, ,, ,, in India	,, s.180(*1*).
Rules for conduct of counsel, contempt of Court, etc.	,, s.129. 57-8.c.3,s.6.
Dissolution, adjournment, view, voting, etc.	44-5V.c.58,s.53. 6Edw.7,c.2,s.4(*4*).
Power to make rules as to adjournment, etc., and procedure	44-5V.c.58,ss.56,70(*1*) (*c*), (*d*). 7Edw.7,c.2,s.9,Sch.3.
Power to include several charges of desertion or fraudulent enlistment in one arraignment	44-5V.c.58,ss.12(*2*),13 (*2*).
Conviction of less offence on charge of greater	,, s.56. 6Edw.7,c.2,s.4(*4*).
Special finding, and proceedings, where prisoner insane	44-5V.c.58,s.130. 7Edw.7,c.2,s.9,Sch.3.
Discharge on finding of acquittal on all charges	44-5V.c.58,s.54(*3*).
Power of Courts as to sentences	,, ss.41,44,47(*5*), 48(*6,8*),49,55 (*2*), 137,138,182(*1,2*), 183(*3*). 55-6V.c.2,s.4. 56-7V.c.4,s.9(*5*).

ARMY—*contd.*

4. Discipline and Regulation—*contd.*

(*d*) TRIAL AND PUNISHMENT OF OFFENCES—*contd.*

(3) *Courts-martial*—contd.

Power of Courts as to sentences—*contd.*	6Edw.7,c.2,ss.4(*1*),(*3*),7(*1*),(*2*). 7Edw.7,c.2,s.10(*1*),(*3*). 9Edw.7,c.3,s.4,Sch.2.
Recommendation for mercy	44-5V.c.58,s.53(*9*).
Finding of acquittal not subject to confirmation, etc.	,, s.54(*3*).
Confirmation, revision, and approval of findings and sentences other than findings of acquittal	,, ss.49(*3*),54,55(*2*),130(*4*),188. 56-7V.c.4,s.9(*6*),(*7*). 6Edw.7,c.2,s.4(*4*). 7Edw.7,c.2,s.9,Sch.3.
Power to make rules as to confirmation and revision	44-5V.c.58,s.70(*1*)(*e*). 7Edw.7,c.2,s.9,Sch.3.
Abolition of summary courts-martial	56-7V.c.4,s.9(*8*).
Commutation, mitigation, remission, suspension, etc., of sentences	44-5V.c.58,ss.44(*10*),57,83(7). 53-4V.c.4,s.5. 62-3V.c.3,s.5. 4Edw.7,c.5,s.5. 6Edw.7,c.2,s.4(*1*),(*2*), 7Edw.7,c.2,ss.10(*1*),9, Sch.3.
Power to commute imprisonment into summary punishment	48-9V.c.8,s.4.
,, ,, punishment of death for murder	50-1V.c.2,s.5.
,, make rules enabling valid to be substituted for invalid sentence	49-50V.c.8,s.5.

(4) *Punishments; Execution of Sentences; Prisons.*

Powers of commanding officer as to punishments	44-5V.c.58,s.46. 45-6V.c.7,s.4(*1*). 56-7V.c.4,s.7. 6Edw.7,c.2,s.4(*2*) 7Edw.7,c.2,s.10(*2*). 10,Edw.7,c.6.
Scale of punishments by court-martial	44-5V.c.58,ss.44,137,138. 45-6V.c.7,s.4(*3*). 55-6V.c.2,s.4. 7Edw.7,c.2,s.10.
Punishments for civil offences	44-5V.c.58,s.41. 49-50V.c.8,s.4. 50-1V.c.2,s.4.
Summary punishment, other than flogging, of soldier on active service for certain offences	44-5V.c.58,s.44(*5*),(*6*),(*9*),(*10*).
Prohibition of inflicting punishments not authorized by Act, under authority derived from foreign ruler	47-8V.c.8,s.5.
Restriction on cumulative sentences of imprisonment	44-5V.c.58,s.68(*2*). 9Edw.7,c.2,s.9,Sch.3.
Commencement of term of penal servitude or imprisonment	44-5V.c.58,s.68(*1*). 7Edw.7,c.2,s.9,Sch.3.
Effect of sentence of penal servitude	44-5V.c.58,s.58.

ARMY—*contd.*

4. Discipline and Regulation—*contd.*

(*) Trial and Punishment of Offences—*contd.*

(4) *Punishments; Execution of Sentences; Prisons*—contd.

Execution of sentences by provost-marshal abroad . . 44-5V.c.58,s.74(2). 7Edw.7,c.2,s.10(4).

Execution of sentences of penal servitude passed in United Kingdom, India, etc.; transfer of military convicts to penal servitude prisons, etc. . . . . 44-5V.c.58,ss.58to62, 68 (1). 7Edw.7,c.2,s.9,Sch.3. 9Edw.7,c.3,s.4,Sch.2.

Execution of sentences of imprisonment and detention in United Kingdom, India, colony, or abroad; confinement of prisoners in military custody or public prison; removal of prisoners; bringing up prisoner as witness, or for trial . . . 44-5V.c.58,ss.63to68, 131. 51-2V.c.4,s.4. 7Edw.7,c.2,s.9,Sch.3. 9Edw.7,c.3,s.4,Sch.2.

Transfer of prisoners sentenced to imprisonment exceeding one year, or to penal servitude, to United Kingdom, unless otherwise ordered, or belonging to excepted class . . . 44-5V.c.58,s.131. 9Edw.7,c.2,s.9,Sch.3.

Obligation of governors of prisons, keepers of police-stations, etc., to receive prisoners, deserters, etc., and soldiers in military custody . . . . . 44-5V.c.58,ss. 131(1), 132.

Military prisons, establishment and regulation of; corporal punishment for offences in; provisions as to duties of gaolers, medical officers, and coroners in . . . . . ,, s.133. 6Edw.7,c.2,s.9. 7Edw.7,c.2,ss.6,9,10(5), Sch.3.

Inquiry on death by violence under suspicious circumstances in military prison in India . . . . . 44-5V.c.58,s.133(3,4). 7Edw.7,c.2,s.9,Sch.3.

Restrictions on confinement in prison other than military prison in India or colony . . . . . 44-5V.c.58,s.134.

Rules by Secretary of State for classification and treatment of prisoners . . . . . ,, s.135. 52-3V.c.3,s.4.

Treatment of prisoners becoming insane . . . . 44-5V.c.58,s.130(5). 7Edw.7,c.2,s.9,Sch.3.

Sentence not affected by offender ceasing to be subject to military law . . . . . 44-5V.c.58,s.158(2).

Power to make rules for execution of sentences, etc. . . ,, s.70. 7Edw.7,c.2,s.9,Sch.3.

Order of Secretary of State as to imprisonment, etc., on production of proceedings or certified copy . . . . 44-5V.c.58,s.165.

Provisions as to validity of orders . . . . . ,, s.172. 46-7V.c.6,s.8. 9Edw.7,c.3,s.4,Sch.2.

Execution of sentence passed on board ship . . . . 44-5V.c.58,s.188.

Commutation, etc., of sentences. *See above*, (3).

(5) *Miscellaneous Provisions as to Trial and Punishment.*

Subjection to military law until discharge or transfer to reserve ,, ss.90(1,3),92(1), 158(2). 7Edw.7,c.2,ss.10(7),9,Sch.3. 9Edw.7,c.3,s.4,Sch.2.

Trial after ceasing to be subject to military law . . . 44-5V.c.58,ss.158,161. 9Edw.7,c.3,s.4,Sch.2.

,, elsewhere than where offence committed . . . 44-5V.c.58,ss.159,160.

,, limitation of time for . . . . . ,, ss.158(1),161. 9Edw.7,c.3,s.4,Sch.2.

ARMY—*contd.*

4. Discipline and Regulation—*contd.*

(*d*) Trial and Punishment of Offences—*contd.*

(5) *Miscellaneous Provisions as to Trial and Punishment*—contd.

Restrictions on trial by court-martial of offences punishable by ordinary law . . . . . 44-5V.c.58,s.41(*a*).

Acquittal or conviction by Civil Court a bar to trial by commanding officer or court-martial . . . . . ,, ss.46(7),162(*b*).

No second trial by military law . . . . . ,, ss.46(7),157.

Regulations as to evidence . . . . . ,, s.163. 9Edw.7,c.3,s.4,Sch.2. 58-9V.c.7,s.6.

Certificate of acquittal or conviction by Civil Court . . 44-5V.c.58,s.164.

Proof of proceedings of court-martial . . . . . ,, s.165.

Preservation of proceedings of courts-martial; copies . . ,, s.124.

Trial and punishment of warrant officer not holding honorary commission . . . . . ,, ss.182,190. 46-7V.c.6,s.10. 49-50V.c.8,s.8. 56-7V.c.4,s.10. 4Edw.7,c.5,s.12.

Reduction, etc., of non-commissioned officer . . . . 44-5V.c.58,ss.44(*m*),183, 190(*5,6*). 62-3V.c.3,s.5. 7Edw.7,c.2,ss.10(7),9, Sch.3. 9Edw.7,c.3,s.4,Sch.2.

Sentences on and dismissal of army schoolmasters . . . 44-5V.c.58,s.183(*a*),(*b*). 62-3V.c.3,s.5. 9Edw.7,c.3,s.4,Sch.2.

Acting non-commissioned officers . . . . . 44-5V.c.58,s.183(*c*)

Command over and trial of persons not belonging to Her Majesty's forces . . . . . ,, s.184.

Jurisdiction of Civil Courts. *See below*, 7 (*b*).

See also below, (*e*).

(*e*) Miscellaneous Provisions as to Discipline and Regulation.

Power to make Articles of War; restriction on liability to punishment under Articles . . . . . 44-5V.c.58 s.69.

Power to make rules for Courts of inquiry . . . . . ,, s.70(*1*)(*a*),(*5*). 1Edw.7,c.2,s.4. 7Edw.7,c.2,s.9,Sch.3.

Court of inquiry on absence of soldier . . . . . 44-5V.c.58,s.72.

Effect of confession of desertion or fraudulent enlistment . 44-5V.c.58,s.73. 62-3V.c.3,s.5. 6Edw.7,c.2,s.8.

Restitution of property or proceeds of property stolen, etc. . 44-5V.c.58,s.75. 9Edw.7,c.3,s.4,Sch.2.

Provost-marshal; appointment and powers of, abroad . . 44-5V.c.58,s.74. 7Edw.7,c.2,s.10(*4*).

,, duty of, to receive prisoners . . . 44-5V.c.58,s.45(7).

,, impeding or refusing to assist . . . ,, s.6(*1*).

ARMY—*contd.*

4. Discipline and Regulation—*contd.*

(*e*) Miscellaneous Provisions as to Discipline and Regulation—*contd.*

Redress of wrongs, complaint for, by officer	44-5V.c.58,ss.42,180(*2*)(*d*). 9Edw.7,c.3,s.4,Sch.2.
,, ,, ,, by soldier	44-5V.c.58,s.43.. 6Edw.7,c.2,s.6.. 7Edw.7,c.2,s.4..
,, ,, false statement or suppression on complaint for	44-5V.c.58,s.27(*2*)..
Extension of furlough in case of sickness	,, s.173.. 9Edw.7,c.3,s.4,Sch.2.
,, ,, false statement in respect of	44-5V.c.58,s.27(*4*).
Exercise of powers vested in holder of military office	,, s.171.. 48-9V.c.8,s.6.
Provisions as to warrants and orders	44-5V. c.58,ss.163(*1*)(*e*),.. 172. 46-7V.c.6,s.8. 48-9V.c.8,s.7.. Edw.7,c.2,s.9,Sch.3.. 9Edw.7,c.3,s.4,Sch.2..
Trial of offences on board ship by regimental court-martial	44-5V.c.58,s.47..
Application, by Order in Council, of naval discipline to troops, including auxiliaries, on board ship in commission	29-30V.c.109,s.88. 44-5V.c.58,s.186..
Deductions from pay of soldier on board Her Majesty's ship, on sentence by or by award of commanding officer of ship	,, s.138.. 9Edw.7,c.3,s.4,Sch.2.
Formation of "corps" out of associated battalions of regulars and auxiliaries, with or without permanent staff of auxiliaries	44-5V.c.58,s.190(*15,16*),..
Indian law. *See* Indian Military and Naval Forces, III, 3 (*c*).	

5. Billetting and Impressment of Carriages, Animals, etc.

(*a*) Billetting.

(*b*) Impressment of Carriages, Animals, etc.

See Marching Troops.

6. Pay, Pension, Booty and Prize Money, Decorations, and Effects.

(*a*) Pay and Pension.

(1) *Ordinary Pay.*

Payment without other than authorized deductions	44-5V.c.58,s.136.. 58-9V.c.7,s.4..
Deductions from pay of officer	44-5V.c.58,ss.44(*12*),.. 137,140.. 4Edw.7,c.4,s.7. 7Edw.7,c.2,s.9,Sch.3.. 9Edw.7,c.3,s.4,Sch.2..

ARMY—*contd.*

6. Pay, Pension, Booty and Prize Money, Decorations and Effects—*contd.*

(*a*) PAY AND PENSION—*contd.*

(1) *Ordinary Pay*—contd.

Deductions from pay of soldier . . . . . 44-5V.c.58,ss.44(*12*), 46(*2*)(*c*), 73,138,140,145. 46-7V.c.6,s.7. 54-5V.c.5,s.4. 62-3V.c.3,ss.4,5. 6Edw.7,c.2,ss.4(*5*),8. 7Edw.7,c.2,ss.10(*6*),9, Sch.3. 9Edw.7,c.3,s.4,Sch.2.

Correction of error in s. 138 of Act of 1881 . . . . 45-6V.c.7,s.4(*3*).

Remission of deductions . . . . . 44-5V.c.58,s.139. 9Edw.7,c.3,s.4,Sch.2.

No execution against pay of soldier for debt . . . 44-5V.c.58.s.144.

(2) *Deferred Pay, Good Conduct Pay, Service towards Pension, etc.*

Forfeiture of, on conviction by court-martial, as provided by Royal warrant . . . . . 44-5V.c.58,ss.44(*11*) 190(*19*).

Prohibition of assignment of or charge on deferred pay or military reward . . . . . ,, s.141

(3) *Half-Pay, Retired Pay, Pensions and Allowances.*

Prohibition of assignment of or charge on pension, allowance, etc., payable in respect of military service . . . . ,, s.141.

Penalty on detention of pensioners' certificates . . . 54-5V.c.5,s.9.

Half-pay or allowances not affected by Superannuation Acts . 4-5W.4,c.24,s.21

Separate estimates of half-pay and allowances . . . ,, s.25

Pensions of soldiers formerly in Indian forces . . . 44-5V.c.57,s.55.

(4) *Supplemental Provisions.*

Administration of oaths on receipt of military rewards, pensions and allowances . . . . . 44-5V.c.58,s.142. 9Edw.7,c.3,s.4,Sch.2.

(*b*) OFFENCES IN RELATION TO PAY, ETC.

Military punishment for detaining pay . . . . . 44-5V.c.58,ss.37(2),137. 9Edw.7,c.3,s.4,Sch.2.

False oath or declaration, or personation, as to military reward, pension or allowance, or payment of money or delivery of property in possession of military authorities . . . 44-5V.c.58,s.142. 9Edw.7,c.3,s.4,Sch.2

(*c*) BOOTY OF WAR AND PRIZE MONEY.

Right of troops to such interest in booty as Her Majesty shall order . . . . . 2-3W.4,c.53,s.2.

Adjudication by prize courts as to prize taken in conjunct expeditions of land and naval forces . . . . . ,, s.29 27-8V.c.25,ss.34,35

Payment to Chelsea Hospital, for distribution—

of grants for services in India, distributable elsewhere to persons not belonging to Indian forces 29-30V.c.47,ss.1to4

of share of army in prize taken in conjunct expedition . . 2-3W.4,c.53,s.29.

Payment of shares of non-commissioned officers and soldiers . 29-30V.c.47,s.5,

ARMY.—*contd.*

6. Pay, Pension, Booty and Prize Money, Decorations and Effects—*contd.*

(*c*) Booty of War and Prize Money—*contd.*

Payment and application of share of deceased officer, etc., if less than 100*l.*, without representation; payment to representative, if any; power to require representation to be taken out	29-30V.c.47,ss.6, 7.
Stamp-duty on orders; orders for less than 40*s.*, and receipts, exempt from duty	,, s.8.
Unclaimed shares of prize money belonging to Indian forces; payment of, to Secretary of State or Indian Government; application of; powers for recovery of	31-2V.c.38.

(*d*) Decorations.

Pawning, selling, wilfully injuring, etc.	44-5V.c.58,ss.24(*3.4*), 190(*18*).
Purchasing, etc.	,, ss.156,190(*18*). 9Edw.7,c.3,s.4,Sch.2.
Forfeiture, etc., of, on conviction by court-martial, as provided by Royal warrant	44-5V.c.58,ss.44(*11*), (*19*),180.
Disposal of, on death on service, desertion, etc. *See below*, (*e*) (*2*).	

(*e*) Effects of Officers and Soldiers.

(1) *Generally.*

Execution against effects of soldier other than pay, equipment, etc.	44-5V.c.58,ss.144,145. 9Edw.7,c.3,s.4,Sch.2.
,, ,, property of persons, subject to military law, other than soldier	44-5V.c.58,s.151. 51-2V.c.4,s.7.
Perjury, personation, etc., as to money or property in possession of military authorities. *See above*, (*b*).	

(2) *Disposal of, under Regimental Debts Act, 1893.*

Collection of effects of persons subject to military law	56-7V.c.5,s.1.
Preferential charges on property	,, ss.2to6.
Disposal of surplus and residue	,, ss.7to10.
,, medals and decorations	,, s.11.
,, effects, etc., without representation in certain cases	,, ss.9,16.
,, effects, not money	,, s.12.
Restrictions on interposition of official administrator	,, ss.14,30.
Money remitted not to be assets in place where remitted to	,, s.15.
Exemption from duty where sum under 100*l.*	,, s.16.
Saving of rights of representative	,, s.19.
Creditor not entitled to take out representation	,, s.20.
Deposit in proper registry of original will or declaration of intestacy and inventory of application of property	,, s.21.
Collection and disposal of effects of army paymaster	,, s.22.
,, ,, ,, person deserting, absent without leave, claimed as apprentice, or convicted of felony	,, s.23.
,, ,, ,, insane	,, s.24.
Validity of payments, etc.; discharge of Secretary of State, etc.	,, ss.17,18.
Warrants and regulations	,, s.1.

ARMY—*contd.*

6. Pay, Pension, Booty and Prize Money, Decorations and Effects—*contd.*

(*e*) EFFECTS OF OFFICERS AND SOLDIERS—*contd.*

(2) *Disposal of, under Regimental Debts Act, 1893*—contd.

Application of Act to all persons subject to military law	56-7Vc.5,s.30.
,, ,, to India	,, ss.25to28.
No forfeiture under Act or regulations, on conviction by court-martial, save as provided by Royal warrant	44-5V.c.58,s.44(*11*). 57-8V.c.3,s.4.

See also INDIAN MILITARY AND NAVAL FORCES, I.

7. Miscellaneous.

(*a*) PRIVILEGES, EXEMPTIONS AND DISQUALIFICATIONS.

Exemption of soldiers from serving on juries	44-5V.c.58,s.147.
,, officers and soldiers, prisoners under escort, etc., from tolls (*see also* FERRY ; TOLLS)	,, s.143(*1,3*).
,, soldiers from civil process, except for crime, etc., or debt exceeding 30*l.* ; proof of amount of debt ; proceedings	,, ss.144,180. 45-6V.c.7,s.4(*4*).
Licenses of canteens ; grant, transfer and renewal of	44-5V.c.58,s.174.

(*b*) CIVIL DUTIES AND LIABILITIES ; OFFENCES BY CIVILIANS.

Inducing to desert, concealing deserter, etc.	,, s.153.
Demanding, etc., tolls from soldiers, etc.	,, ss.115(*5*), 143(*3*). 9Edw.7,c.3,s.4,Sch.2.
Pretending to be a deserter	44-5V.c.58,s.152.
Apprehension of and dealings with deserters, suspected deserters, or persons confessing desertion	,, ss.154,163(*1*), (*i*),Sch.4. 47-8V.c.8,s.6. 9Edw.7,c.3,s.4,Sch.2.
Obligation of governors of prisons, keepers of police-stations, etc., to receive prisoners, deserters, etc., and soldiers in military custody	44-5V.c.58,ss.131(*1*), 132.
Purchasing, etc., or soliciting or assisting soldier to sell, pawn, etc., to, or suspicious possession of, regimental necessaries, equipments, stores, horse, etc. ; detaining certificates of military pensioners and members of army reserve ; search-warrants ; examination of defendant, and wife or husband, as witness	,, s.156. 54-5V.c.5,s.9. 4Edw.7,c.5,s.9. 9Edw.7,c.3,s.4,Sch.2.
False oath or declaration, forgery or personation, in relation to pay, pension, etc., or money or property in hands of military authorities	44-5V.c.58,s.142.
Liability of soldier to maintain wife, children and bastards	44-5V.c.58,ss.138(*8*),145. 45-6V.c.7,s.4. 46-7V.c.6,s.7. 54-5V.c.5,s.7. 62-3V.c.3,s.4. 4Edw.7,c.5,s.8. 9Edw.7,c.3,s.4,Sch.2.
Saving of jurisdiction of Civil Courts over persons subject to military law	44-5V.c.58,ss.41(*b*),158 (*1*),162(*2*),180.
Refusing to deliver or obstructing apprehension of officer or soldier accused or convicted of civil offence ; trial of offences committed out of United Kingdom [*see also above*, 4 (*b*)]	,, ss.162(*3*to*5*),180. 9Edw.7,c.3,s.4,Sch.2.

ARMY—*cont.*

7. Miscellaneous—*contd.*

(*b*) Civil Duties and Liabilities; Offences By Civilians—*cont.*

Civil Court trying offender to have regard to military punishment already awarded . . . . . 44-5V.c.58,s.162(*1*).
" " regulations as to evidence before . . . . " s.163.
" " certificate of conviction or acquittal by . . . 58-9V.c.7,s.6.
Proof of proceedings of court-martial . . . . . 44-5V.c.58,s.164.
Prosecution of offences, and recovery and application of fines, under Army Act, in India, etc. . . . . " s.165.
" ss.166to168, 180,190.
9Edw.7,c.3,s.4,Sch.2.
Reduction of amount of fines in India or colony; declaration of equivalent in local currency . . . . . 44-5V.c.58,ss.156(*8*),169. 190(*21,23*).
4Edw.7,c.5,s.6(*2*).
Act19,1899.
Protection of persons acting under Army Act; limitation of time for proceedings . . . . . 44-5V.c.58,s.170.
57-8V.c.3,s.7.
Trafficking in commissions. *See above*, 2.
Wearing military uniform . . . . . 57-8V.c.45.

(*c*) Miscellaneous Provisions.

Military savings banks; no liability to forfeiture under Act or regulations, on conviction by court-martial, save as provided by Royal warrant . . . . . 44-5V.c.58,s.44(*11*).
Marriages within lines of army abroad . . . . . 55-6V.c.23,s.22.
Transmission to Registrar General of registers of or documents showing births, deaths and marriages of officers, soldiers and their families abroad; record of entries and evidence . . 42-3V.c.8.
Use of recreation rooms for dancing or public entertainment without license . . . . . 52-3V.c.3,s.7.
Short title of Army Act . . . . . 53-4V.c.4,s.4.
Army Council, transfer of various powers to . . . . . 9Edw.7,c.3,s.4,Sch.2.
See also Indian Military and Naval Forces, III, 4.

ARMY RESERVE.

1881. 44-5 V. c. 58 (Army).
1882. 45-6 V. c. 48 (Reserve Forces).
1890. 53-4 V. c. 42 (Reserve Forces).
1891. 54-5 V. c. 5, s. 5 (Transfer to Reserve).
1898. 61-2 V. c. 9 (Permanent Service).
1899. 62-3 V. c. 40 (Residence out of United Kingdom).
1900. 63-4 V. c. 42 (Reserve Forces).
1906. 6 Edw. 7, c. 11 (Reserve Forces).
1907. 7 Edw. 7, c. 9, Pt. III (Territorial and Reserve Forces).
1908. 8 Edw. 7, c. 2, ss. 4, 5 (Army Annual).

Reserve Forces Acts; extension of, to British Possessions . . 6Edw.7,c.11.
Army Act, 1881; application of provisions of . . . . . 45-6V.c.48,ss.6,14(*2*). 15,16,17(*2*),18,19, 23,25,27.
7Edw.7,c.9,s.35.
Establishment, constitution and liability to service of . . . 45-6V.c.48,s.3.
63-4V.c.42,s.1.
7Edw.7,c.9,ss.30,34.